

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, February 11, 2003, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth, Interim CEO
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Silva, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Smith, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Silva presented a resolution congratulating Edward Southfield for his outstanding commitment to Cypress School District

II. CONSENT CALENDAR (Items 1-31)

43125 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 24 WHICH WAS DELETED; ITEM 28 WHICH WAS CONTINUED TO 2/25/03, 9:30 A.M.; AND ITEM 8 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Wilson** - Approve Chairman's 2003 appointments for Supervisor Campbell to various Boards, Commissions and Committees

S U M M A R Y A C T I O N M I N U T E S

COMMENDATIONS/PROCLAMATIONS

2. **Supervisor Smith** - Adopt resolution recognizing Ronald Lee Bauer for 35 years of dedicated service
RESO: 03-039
3. **Chairman Wilson** - Adopt resolution recognizing Los Pinos Conservation Camp Team members and staff of Orange County Department of Education and Orange County Probation Department for their hard work in preparing for Orange County Mock Trial Program
RESO: 03-040

HEALTH CARE AGENCY

4. Approve agreement with Dream Envision Foundation for Animal Care Center staff education, 2/12/03 - 12/31/03 - All Districts
5. Approve grant award #20022584 from The California Endowment for Child Abuse Services Team, 1/1/03 - 9/30/03 (\$25,000) - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

6. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for recent sudden and unexpected movement in landslide mass and necessary emergency repair to complete work, Frank R. Bowerman landfill; set review to determine continuing need for emergency action for 2/25/03, 9:30 a.m. and every 14 days thereafter - District 3 (*4/5 vote*) (Continued from 9/10/02, Item 61; 9/24/02, Item 64; 10/8/02, Item 6; 10/22/02, Item 13; 11/5/02, Item 17; 11/19/02, Item 12; 12/10/02, Item 17; 12/17/02, Item 23; 1/7/03, Item 1; 1/14/03, Item 21; 1/28/03, Item 12)

JOHN WAYNE AIRPORT

7. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for installation of explosion detection systems; set review to determine continuing need for emergency action for 2/25/03, 9:30 a.m. and every 14 days thereafter - District 2 (*4/5 vote*) (Continued from 8/20/02; Item S29C, 8/27/02, Item S57A; 9/10/02, Item 14; 9/24/02, Item 13; 10/8/02, Item 8; 10/22/02, Item 15; 11/5/02, Item 19; 11/19/02, Item 13; 12/10/02, Item 19; 12/17/02, Item 26; 1/7/03, Item 2; 1/14/03, Item 26; 1/28/03, Item 15)

JOHN WAYNE AIRPORT AND COUNTY EXECUTIVE OFFICE

8. Approve agreement with Orrick, Herrington and Sutcliff, LLP as Bond Counsel for refunding of Airport Revenue Refunding Bonds, Series 1993 - District 2

21345 **APPROVED AS RECOMMENDED**
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ORANGE COUNTY PUBLIC LIBRARY

9. Authorize submission of grant application and acceptance of grant award from California Department of Education for English Literacy Civics Education Program, FY 2002-03 (\$45,832) - All Districts

S U M M A R Y A C T I O N M I N U T E S

PLANNING AND DEVELOPMENT SERVICES

10. Approve Tract 16241, DMB Ladera LLC, Ladera Ranch area; accept easements for public utility ingress-egress; approve construction agreement S0103-108 and accept bonds guaranteeing construction of improvements - District 5

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

11. Accept work with HL Miller Construction for remodeling of Auditor-Controller offices, Santa Ana; project completed 11/25/02 (\$127,273.75) - District 1
12. Approve price agreement N1000004872 with Pacific Parking Systems, Inc. for service and repair to entry gates and pay and display equipment at various Harbors, Beaches and Parks facilities (\$27,500); renewable for two additional years - All Districts
13. Accept work with Projective Development International, Inc., for HCA Public Health Laboratory remodel, Santa Ana; project completed 12/2/02 (\$965,214) - District 1
14. Approve Termination of emergency at Health Care Agency Public Health Laboratory - District 1 (Continued from 11/5/02, Item 92; 11/19/02, Item 82; 12/10/02, Item 34; 12/17/02, Item 47; 1/7/03, Item 3; 1/14/03, Item 53; 1/28/03, Item 22)
15. **Acting as Board of Supervisors, Orange County Flood Control District and Orange County Development Agency** - Approve amended agreements D99-080 with Overland Resources, Inc., D99-081 with Pacific Relocation Consultants, D99-082 with Kallan & Associates and D99-083 with Goepfner and Associates for relocation assistance program services, extending term to 3/6/04; and authorize Director or designee to extend agreements an additional one-year to 3/6/05 without further Board action - All Districts
16. Receive and file Traffic Committee reports dated 12/19/02; approve recommendations; adopt necessary resolutions; and rescind a portion of resolution 85-1465 - District 3
RESO: 03-041 - 03-042
17. Approve plans and specifications and set bid opening for 3/12/03, 2:00 p.m., for construction of Arroyo Trabuco Bikeway Phase 2, Rancho Santa Margarita; and make California Environmental Quality Act findings - District 5
18. Approve agreement D01-077 with Orange Unified School District for construction improvements, Santiago Canyon Road; approve plans and special provisions and set bid opening for 3/19/03, 2:00 p.m.; and make California Environmental Quality Act findings - District 3 (Continued from 2/4/03, Item 13)
19. **Acting as the Orange County Flood Control District** - Receive bids and award contract to Natures Image, Inc. for habitat restoration of Serrano Creek (\$226,587.50) - District 5

S U M M A R Y A C T I O N M I N U T E S

PUBLIC PROTECTION

Sheriff-Coroner:

- 20 . Approve continuance of emergency and making appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for replacement of water-damaged walls and floors to stop water leakage from dishwashing operations and to correct unhealthful and unsafe conditions, Theo Lacy Jail kitchen; set review on 2/25/03, 9:30 a.m., and every 14 days thereafter - District 3 **(4/5 vote)** (Continued from 11/19/02, Item 90; 12/10/02, Item 48; 12/17/02, Item 61; 1/7/03, Item 5; 1/14/03, Item 63; 1/28/03, Item 31)
- 21 . Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050(c)(1) for repairs to roofs of various buildings, Theo Lacy Jail; set review on 2/25/03, 9:30 a.m., and every 14 days thereafter - District 3 (4/5 vote) (Continued from 1/14/03, Item 88; 1/28/03, Item 32)
- 22 . Adopt resolution to publish Notice of Intent to purchase real property for Katella Training Facility parking; set Public Hearing for 3/11/03, 9:30 a.m. - District 3
RESO: 03-043
- 23 . Approve license agreement with Crystal Cove Community Association for installation of communication equipment, Newport Beach; and make California Environmental Quality Act findings - District 5
- 24 . Authorize return of three non-licensable vehicles to Nissan Motor Corporation; authorize execution of related documents; and direct Auditor-Controller to remove vehicles from fixed asset inventory - All Districts
- 43125 **DELETED**

GENERAL ADMINISTRATION

Clerk of the Board:

- 25 . Approve proposed amendments to the Conflict of Interest Codes for the Anaheim Union High School District, Fountain Valley School District, Westminster School District, Rancho Santiago Community College District and the Newport-Mesa Unified School District - All Districts
- 26 . Approve proposed amendments to the Conflict of Interest Code for the Probation Department - All Districts

County Executive Office:

- 27 . Acting as the Orange County Development Agency - Receive and file FY 2001-02 Annual Report of Financial Transactions and Housing Activity - All Districts

S U M M A R Y A C T I O N M I N U T E S

28. Approve cooperative agreement with U.S. Army Corps of Engineers for Feasibility Study of Coyote and Carbon Creeks Watersheds; and direct CEO and County departments to provide assistance as necessary - All Districts (Continued from 12/17/02, Item 66, 1/14/03, Item 67; 1/28/03, Item 33; 2/4/03, Item 18)

43125 **CONTINUED TO 2/25/03; 9:30 A.M.**

29. Approve agreement 02-010FA with CSG Advisors, Incorporated for financial advisory services for Single and Multi-family Housing Bond Programs - All Districts

30. Approve proposed responses to FY 2002-03 Grand Jury Report entitled "Tracking the Implementation of Grand Jury Recommendations" - All Districts

31. **Supervisor Silva** - Approve donation of surplus computer and equipment to Phoenix House of California and make appropriate findings

END OF CONSENT CALENDAR

S U M M A R Y A C T I O N M I N U T E S

III. DISCUSSION ITEMS (Items 32-S48B)

COMMUNITY SERVICES AGENCY

32. Approve amended agreement with TTI America, Inc. for office space for One-Stop Center, Mission Viejo extending term to 8/31/03; and make California Environmental Quality Act findings - District 5
51234 **APPROVED AS RECOMMENDED**
33. Approve amended agreement FC-0204-22 with State Department of Aging for Title IIIIE Older Americans Act Family Caregiver Support Program services, FY 2002-04 (\$835,121); authorize Director to execute amendments under certain conditions; and approve related budget adjustments (R/A 4 4/5/ vote) - All Districts
B.O. **DELETED**

HEALTH CARE AGENCY

34. Approve amendment 2 to agreements with A.S. Foundation/Orange County (\$120,000; new total \$1,466,385) and Public Law Center (\$19,000; new total \$99,273) for various HIV services, 3/1/02 - 2/28/03 - All Districts
12345 **APPROVED AS RECOMMENDED**
35. Approve Substance Abuse and Crime Prevention Act of 2000 Revised Plan for FY 2002-03 - All Districts
13425 **APPROVED AS RECOMMENDED**
36. Approve agreement 02-25694 with State Department of Health Services for Women, Infants and Children Supplemental Nutrition Program, 10/1/02 - 9/30/05 (\$20,093,577) - All Districts
51234 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY DEVELOPMENT

37. **Acting as the Orange County Development Agency** - Approve revised loan commitment for Jackson Aisle Apartments, Midway City area (\$991,125); and authorize Director or designee to execute loan, restrictive covenant and other related documents - District 1
15234 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

38. Approve amended agreement with BFL/OWEN and Associates for seismic remediation inspection and testing services, northwest and southwest parking structures (\$65,000; new total \$576,500) - District 2
21345 **APPROVED AS RECOMMENDED**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

39. Select GKK Corp./DLR Group for proposed study of new South County Courthouse; and authorize negotiation of agreement for Board approval - District 5
51234 **APPROVED AS RECOMMENDED**

S U M M A R Y A C T I O N M I N U T E S

40. **Acting as the Orange County Flood Control District** - Approve amended agreement D02-087 with Santa Ana River Watershed Project Authority for construction and protection of sewer line by U.S. Army Corps of Engineers, Prado Dam Project - District 3

32415 **APPROVED AS RECOMMENDED**

41. **Acting as the Board of Supervisors and Orange County Flood Control District** - Authorize submission of updated Drainage Area Management Plan (2003 DAMP) to the Santa Ana and San Diego Regional Water Quality Control Boards in compliance with the requirements of the municipal National Pollutant Discharge Elimination System (NPDES) permits; adopt Negative Declaration #IP02-215; and make California Environmental Quality Act and other findings - All Districts
(Continued from 2/4/03, Item 24)

51234 **APPROVED AS RECOMMENDED**

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PUBLIC PROTECTION

Sheriff-Coroner:

42. Approve amendment 8 to agreement with Stanton for law enforcement services, 7/1/02 - 3/31/03 (\$4,297,387) - District 2

21345 **APPROVED AS RECOMMENDED**

43. Accept grant award from Governor's Office of Emergency Services for State Domestic Preparedness Equipment Program, FY 2001 (\$716,366); and approve transfer of equipment to Orange County Fire Authority - All Districts

13425 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

44. Approve Fire Protection agreement with State Department of Forestry and Orange County Fire Authority for fire services within State Responsible Areas - All Districts

B.O. **DELETED**

45. Ratify selection of financing professionals; direct staff to prepare a feasibility analysis to explore financing options for cogeneration conversion project and photovoltaic system; and adopt resolution authorizing reimbursement of expenditures - All Districts

41235 **APPROVED AS RECOMMENDED**

RESO: 03-044

46. Adopt resolutions approving change of proceedings in method of assessment for discharge of Assessment District 88-1 liens and for increasing maximum annual administrative costs and approving issuance of Series 2003 A Bonds (Adjustable Rate) for Newport Coast Phase IV Assessment District No. 01-1 (\$30,000,000) - District 5

51234 **APPROVED AS RECOMMENDED**

RESO: 03-045 - 03-046

S U M M A R Y A C T I O N M I N U T E S

47. Approve agreement between County of Orange and Superior Court of County of Orange, California revising distribution of fees, finds and forfeitures revenues and allocation of traffic school costs - All Districts

52341 **APPROVED AS RECOMMENDED**

48. **Treasurer-Tax Collector** - Adopt resolution authorizing issuance of Rancho Santiago Community College District General Obligation Bonds, Election 2002, Series 2003A (\$98,000,000); and authorize execution of related documents - Districts 1 & 3

31245 **APPROVED AS RECOMMENDED**

RESO: 03-047

Chairman Wilson:

- S48A. Adopt resolution proclaiming February 28, 2003 as National Peace Corps Day

51234 **APPROVED AS RECOMMENDED**

RESO: 03-048

- S48B. Adopt resolution congratulating Fire Chief Chip Prather for his outstanding tenure as President of the Orange County Fire Chiefs Association

52341 **APPROVED AS RECOMMENDED**

RESO: 03-049

IV. PUBLIC HEARINGS (Item 49)

PUBLIC PROTECTION

49. **Sheriff-Coroner** - Public Hearing to consider first reading of "An Ordinance of the County of Orange, California, Deleting Article 1 of Title VIII, Section 15 on Fees for Embalming Dead Bodies and Amending Article 1 of Title VIII, Section 16 Fee for Removing and Keeping Dead Bodies"; and set second reading and adoption for 2/25/03, 9:30 a.m.; and make California Environmental Quality Act and other findings - All Districts (Continued from 1/28/03, Item 52)

B.O. **CLOSED PUBLIC HEARING**

14235 **APPROVED AS RECOMMENDED**

V. CLOSED SESSION (None)

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Charles Griffin - Oral Re: Use of United Airlines new aircraft used at John Wayne Airport; and Orange County Redevelopment at Santa Ana Heights

Archer Muncy - Oral Re: Government efficiency, Veterans Administration, Veterans Claims Officer

Yvonne Le, Chiane Do, Thuan Trieu, Chuc Do, Shirley Adams and Marti Schrank - Oral Re: In-Home Support Services worker pay scale concerns

Roland Boucher - Oral Re: Concerns regarding continuation of back fill on VLF

S U M M A R Y A C T I O N M I N U T E S

Raid Faraj, Jerome Hunter, Cary Nelson and Katheryn McCullough - Oral Re: Concerns over recommendation to eliminate Orange County Human Relations Committee

BOARD COMMENTS:

Supervisor Campbell - Oral Re: Planning & Development Interim Director Status Report on financial expenditures. Directed staff to agendize this matter each week as open or closed session until resolved

ADJOURNED: 11:33 A.M.

*** KEY ***

Left Margin Notes

1. √ Supervisor Smith
2. √ Supervisor Silva
3. √ Supervisor Campbell
4. √ Supervisor Norby
5. √ Chairman Wilson

- A. √ Abstained
- X. √ Excused
- N. √ No
- BO √ Board Order

Right Margin Notes

- O. √ Ordinance
- R. √ Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board